

UNITED STATES DISTRICT COURT  
for the  
Western District of Washington

In the Matter of the Search of:

Laura Marline Lewis

Case No. MJ20-5031

**APPLICATION FOR A SEARCH WARRANT FOR BLOOD SAMPLE**

I, Ian McCranie, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that a sample of blood consisting of one of more tubes or vials should be taken from the following person:

Laura Marline Lewis

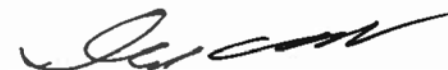
located in the Western District of Washington and that this blood sample is evidence of the following crime or crimes.

- ☒ Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- ☐ Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- ☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- ☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- ☐ \_\_\_\_\_

This application is based on the facts set forth in the attached affidavit which is incorporated herein as if fully set forth.

Pursuant to Fed. R. Crim. P. 4.1 & 41(d)(3), this warrant is presented:

- ☒ By reliable electronic means.
- ☐ Telephonically (and recorded).



Applicant's Signature  
Ian McCranie, Traffic Investigator  
Joint Base Lewis-McChord Police Department

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone on this 23rd day of February, 2020.



THE HON. DAVID W. CHRISTEL  
UNITED STATES MAGISTRATE JUDGE

1  
2 STATE OF WASHINGTON )  
3 ) ss  
4 COUNTY OF PIERCE )

5 AFFIDAVIT OF OFFICER IAN MCCRANIE

6 I, Officer Ian McCranie, a Traffic Investigator with Joint Base Lewis-McChord  
7 Police, Pierce County, Washington, having been duly sworn, state as follows:

8 AFFIANT BACKGROUND

9 1. I have served as a law enforcement officer for the past 6 years. My training  
10 and experience relevant to the investigation discussed below includes the following:

- 11 ☐ Basic Training at the Federal Law Enforcement Training Center  
12 ☒ Basic Law Enforcement Training at the Department of the Army  
13 Civilian Police Academy  
14 ☒ Standardized Field Sobriety Testing  
15 ☒ Advanced Roadside Impaired Driving Enforcement Training

16 I am Ian P. McCranie, currently assigned to the JBLM Police Traffic Section. I have  
17 over 6 years of training and experience detecting, investigating, and arresting people for  
18 driving under the influence of alcohol and/or drugs. My past training includes training in,  
19 and certification to perform, Standard Field Sobriety Tests (SFSTs) in Washington State  
20 by the Directorate of Emergency Services on Joint Base Lewis-McChord. My  
21 certification was completed in June of 2013 in accordance with National Highway and  
22 Transportation Safety Administration (NHTSA) standards. I have completed the  
23 Department of the Army Civilian Police Academy in October 2013. I completed initial  
24 training and certification on the BAC DataMaster in June of 2013 and recertification in  
25 January 2016. I completed training and certification on the BAC Draeger in August 2017  
26 and recertification in February 2019. I completed Advanced Roadside Impaired Driving  
27 Enforcement (A.R.I.D.E.) in November of 2017. I completed a Marijuana Controlled  
28 Burn though the Department of the Army Criminal Investigative Division (CID) in May

1 of 2018. I completed Marijuana DUI: Prosecution and Enforcement through the Traffic  
 2 Safety Resource Program in August of 2018. I completed Basic Collision Investigation  
 3 though the Criminal Justice Training Commission (CJTC) in October of 2018. I  
 4 completed Prosecuting the Drugged Driver through the Traffic Safety Resource Program  
 5 in June of 2019. I completed Advanced Collision Investigation though the Criminal  
 6 Justice Training Commission (CJTC) in December of 2019. I completed Technical  
 7 Collision Investigation though the Criminal Justice Training Commission (CJTC) in  
 8 February of 2020. I am also trained to recognize the signs and evidence of an alcohol  
 9 and/or drug related collision. Through my past training and experience I have learned to  
 10 recognize the signs of alcohol and/or drug impairment in people and to determine  
 11 whether or not a person's ability to drive a motor vehicle safely is impaired. I also know  
 12 from my past training and experience that most drugs once ingested, including alcohol,  
 13 will be detectable in a person's blood. I have approximately 41 DUI arrests throughout  
 14 my career in law enforcement.

15 2. The information presented in this affidavit is:

16 ☒ Based on my personal observations and interviews that I have  
 17 conducted.

#### 18 INTRODUCTION AND PURPOSE OF THE AFFIDAVIT

19 3. The purpose of this affidavit is to seek a search warrant to authorize me or  
 20 other law enforcement officers to direct a physician, a registered nurse, a licensed  
 21 practical nurse, a nursing assistant as defined in Chapter 18.88A of the Revised Code of  
 22 Washington (RCW), a physician assistant as defined in chapter 18.71A of the RCW, a  
 23 first responder as defined in chapter 18.73 of the RCW, an emergency medical technician  
 24 as defined in chapter 18.73 of the RCW, a health care assistant as defined in chapter  
 25 18.135 of the RCW, or any technician trained in withdrawing blood to extract a blood  
 26 sample consisting of one or more tubes or vials from Laura Marline Lewis (hereafter "the  
 27 Subject"). This warrant is requested for the purpose of gathering evidence of the  
 28 following crime(s):



- 1 ☒ Driving While Under the Influence in violation of RCW 46.61.502, 18  
2 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- 3 ☐ Physical Control of a Vehicle While Under the Influence of Alcohol or  
4 Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R §  
5 4.23 or 38 C.F.R. § 1.218
- 6 ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation  
7 of RCW 46.61.503 and 18 U.S.C. § 13
- 8 ☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- 9 ☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- 10 ☐ \_\_\_\_\_

11 4. I am seeking to present this application for a search warrant by electronic  
12 means because the natural metabolization of alcohol or drugs in the bloodstream may  
13 result in the loss of this evidence in the time it would take to present a search warrant  
14 application in a more traditional fashion.

#### 15 SUMMARY OF PROBABLE CAUSE

16 5. As a result of my duties I am familiar with the jurisdictional boundaries of  
17 Joint Base Lewis-McChord, Washington. The incident described below occurred within  
18 these jurisdictional boundaries, an area within the special maritime and territorial  
19 jurisdiction of the United States as defined in 18 U.S.C. § 7.

20 6. The initial contact with the Subject occurred on 23 February 2020 at  
21 approximately 4:53 p.m. at 41<sup>st</sup> Gate. At that time, a red 2016 Nissan Frontier WA  
22 license plate #C75286M, operated by the Subject, failed to stop at the gate for a required  
23 identification check. In accordance with security procedures, the gate barrier system was  
24 activated, preventing the Subject from driving further onto Joint Base Lewis-McChord. A  
25 high risk traffic stop was conducted, at which time the Subject failed to follow commands  
26 to place her hands outside the driver's window. The Subject then exited the vehicle  
27 without being prompted and turned to patrols, staggering slightly. The Subject was then  
28 taken into custody. While being placed in custody a strong odor of intoxicating beverages  
was detected emanating from her breath and person. I was then requested to respond to  
investigate the possibility of the Subject driving under the influence.

7. Based on my training and experience, I believe the Subject may be under the influence of intoxicants or drugs for the following reasons: I arrived on scene at 5:17 p.m. and made contact with the Subject. I advised the Subject of her rights from my department issued card at 5:27 p.m. The Subject stated that she understood her rights and waived her rights, stating that she was willing to talk to me. I immediately detected the strong odor of intoxicating beverages emanating from her breath. I asked the Subject if she had consumed any alcoholic beverages; she claimed that she had not. I asked the Subject if she would be willing to submit to voluntary SFSTs, to which she agreed. SFSTs were conducted and showed obvious signs of impairment. I asked the Subject if she would submit to a voluntary Preliminary Breath Test (PBT), to which she agreed. A PBT reading of .212 was recorded at 5:47 p.m. At 5:48 p.m., I concluded that the Subject was under the influence of intoxicating liquor and/or drugs and unable to operate a motor vehicle safely. The Subject was advised she was in custody for DUI and transported to the PMO for further processing. The Subject was taken to the BAC room where she was advised of her constitutional rights from the Washington State DUI Arrest Report. The Subject stated that she understood her rights and waived her rights. The Subject was then advised of the Implied Consent Warning for Breath. The Subject initially said no she would not provide a breath sample, then the Subject changed her mind and said she would. During a question and answer session in the BAC room, the Subject admitting to consuming 3-4 ounces of Vodka at her sister's residence. Once data entry for the Draeger was completed, the Subject stated that she did not feel the stop was right and would refuse to submit to a breath sample.

8. The Subject:

- ☒ Has refused to take a breath Alcohol test on an instrument approved by the State Toxicologist or a federal agency for such breath testing.
- ☐ Is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility, or is at a location that lacks an instrument approved by the State Toxicologist or a federal agency for performing such breath testing, and has refused to submit to a blood test.

- ☐ Is incapable due to physical injury, physical incapacity, or other physical limitation of submitting to a breath alcohol test, and the defendant has refused to submit to a blood test.
- ☐ Has refused to submit to a blood test at the request of the undersigned.
- ☐ Was not offered an opportunity to take a breath alcohol test on an instrument approved by the State Toxicologist or a federal agency for such breath testing because:
- ☐ The available instrument is currently out of order
- ☐ The individual does not speak English and the implied consent warnings are not available in a language that the defendant understands
- ☐ \_\_\_\_\_
- ☐ Submitted to a breath test on an instrument approved by the State Toxicologist or a federal agency for such breath testing but the breath alcohol concentration reading of \_\_\_\_ is not consistent with the defendant's level of impairment suggesting that the defendant is under the influence of a drug.

9. A sample of blood extracted from the Subject if taken within a reasonable period of time after she last operated, or was in physical control of, a motor vehicle, may be tested to determine her current blood alcohol level and to detect the presence of any drugs that may have impaired her ability to drive. This search warrant is being requested within 3 hours and 30 minutes after the Subject ceased driving or was found in physical control of a motor vehicle.

#### CONCLUSION

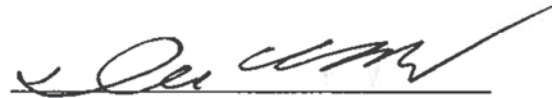
10. For the reasons stated above, I request authority to direct a physician, a registered nurse, a licensed practical nurse, a nursing assistant as defined in chapter 18.88A of the RCW, a physician assistant as defined in chapter 18.71A of the RCW, a first responder as defined in chapter 18.73 of the RCW, an emergency medical technician as defined in chapter 18.73 of the RCW, a health care assistant as defined in chapter 18.135 of the RCW, or a technician trained in withdrawing blood to extract a blood sample consisting of one or more tubes or vials from Laura Marline Lewis.



1 11. This application for a warrant is being presented electronically pursuant to  
2 Fed. R. Crim P. 4.1 & 41(d)(3).

3 I certify (or declare) under penalty of perjury under the laws of the United States  
4 that the foregoing is true and correct to the best of my knowledge, information and belief.

5 Dated this 23rd day of February, 2020.

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8 Ian McCranie, Traffic Investigator  
9 Joint Base Lewis-McChord

10 The above-named agent provided a sworn statement attesting to the truth of the  
11 foregoing affidavit on 23rd day of February, 2020.

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14 THE HON. DAVID W. CRISTEL  
15 UNITED STATES MAGISTRATE JUDGE  
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